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of wills in the municipal court. Chapter XVIII. indicates that wills were proved in the church court when movables were bequeathed, and in the city court when lands were bequeathed. As wills of burgesses often disposed of both kinds of property, it was a common practice in Norwich and other boroughs to secure probate before both tribunals. The editor, on pages 153 and 296, evidently misapprehends the meaning of the term of forty days mentioned in the chapter of the custumal which describes the action of fresh force. This term did not apply to the time within which the plea must be completed, but to the period following the act of intrusion or dispossession within which the action must be begun (see Fleta, bk. II., ch. 55). In this connection attention may also be called to the misleading explanations of the essoin "de malo veniendi" and the writ "ex querela" on pages 151 and 291; the former is the essoin which Glanvill calls "de infirmitate veniendi", and the latter is an early reference to the writ "ex gravi querela" to recover bequests of burghage tenements. Usually however the editor's notes are lucid and free from error.

The introduction contains an excellent account of the history of municipal government in Norwich from the twelfth to the nineteenth century. Mr. Hudson fortunately has at his disposal data throwing light on the growth of the governing body of Norwich in the Middle Ages. He shows that during the thirteenth and fourteenth centuries the source of all authority in municipal affairs was a general assembly of the citizens, and that a marked oligarchical tendency is not clearly visible until early in the fifteenth century, when the mass of the commonality allowed the burden of government to rest on the shoulders of their wealthier neighbors, who constituted the board of aldermen. The writers who contend that the government of English boroughs rested on an aristocratic basis throughout the Middle Ages will find it difficult to reconcile the development of Norwich with their theory.

The Corporation of Norwich may well be proud of its ancient muniments and deserves much credit for having spared no expense in making them accessible to historians in a sumptuous and scholarly form befitting their value.

CHARLES GROSS.

*Innocent III. La Papauté et l'Empire.* Par ACHILLE LUCHAIRE, Membre de l'Institut. (Paris: Hachette et Cie. 1906. Pp. 306, 4.)

M. LUCHAIRE, who by his excellent works on the early Capetians had made their periods his own in a peculiar sense, has in the last few years pre-empted, though in a somewhat different way, the pontificate of Innocent III. His works on the Capetians, being supplied with the necessary apparatus, and critical notes, and cast in the form of manuals, were written for the student alone. His works on Innocent III., on the other hand, are "popular" in the best sense of that much-abused word. In

this, his latest volume, he makes no reference either to sources or to other works which treat the same subject. Not more than two or three times does he indicate that he differs from others in his interpretation of the documents or in his construction of events. And even in such cases he merely states the fact without attempting either to justify his own position or to show the error of those from whom he differs—a bold procedure, and refreshing in a time which demands that even high-school text-books should contain many pages of “sources” and “literature” in all languages.

Neither does M. Luchaire indulge in a dramatic narrative of events. It is surprising how few historical details are found in his book. And yet his book is a masterpiece of historical writing. By means of a few really important documents he takes his reader to the “high places”, from which he commands a view of the struggle in its different phases. M. Luchaire possesses profound scholarship and the literary sense which characterizes the French. The historian and the artist combined in him have produced a work which is both history and literature—a combination as rare as it is charming. Of all the historical books of the year, it will easily take the first place as delightful reading.

His first chapter the author begins with the statement that the Middle Age was dominated by the belief that over all nations and peoples there must be a chief power, a central universal authority, which was a visible expression of the unity of the whole Christian world. Imperialism was a part of the divine order; the only question was, to whom this high office had been intrusted. To this question two answers had been given. For some time it was agreed that the emperor possessed this supreme power, but in the eleventh century the pope set up a counter claim to it. The dispute over it led to the tremendous struggle between the pope and the emperor. During this struggle both popes and emperors often yielded to the force of circumstances, and made concessions each to the other, so that a third answer seemed to be given to the question stated above: namely, that the government of the Christian world had been confided conjointly to pope and emperor, who must work together in harmony. Unfortunately, experience quickly showed that harmony between two universal sovereignties was impossible.

It was the great good fortune of Innocent that during the first ten years of his reign there were rival candidates for the German crown, neither of whom was able to get possession of all Germany, and both of whom were willing to make large concessions to the pope in order to gain his support. Innocent remained neutral for three years in order to have the opportunity to destroy the imperial government which Henry VI. had built up in Italy and Sicily, and to re-establish the papal government in its place. Nothing could have been more opportune for him than this disputed royal election. M. Luchaire recognizes in the document which has hitherto been regarded as the coronation oath of Otto IV. merely the letter in which Otto informed the pope of his election.

The fact that in this letter Otto conceded hardly more than did Philip of Suabia also helps to account for the long delay of Innocent in declaring in favor of Otto. For three years Innocent refused to say which of the two candidates he would support, although he admitted that his mind was made up. He also said that he was sure that that candidate would be successful who should receive the papal favor. The responsibility for the misfortunes of Germany during the long struggle between rival kings must to a certain extent, therefore, be laid to the pope.

In the second chapter the author recounts the vigorous but ineffectual efforts of Innocent to secure the unanimous recognition of Otto. He resents with some fervor the charge that Innocent was not eager to make Otto's success too great. He forgets, apparently, that Innocent after three years of pronounced neutrality could afterward write that his affection for Otto had never grown lukewarm, but had continually sustained him quite up to the time when Innocent had declared in his favor (p. 81). In the third chapter the author develops the chain of events which caused the pope to recede from his position, to desert Otto, and to make terms with Philip. Here too it is impossible not to feel that the pope in his diplomacy overstepped the bounds of truthfulness in his letter to Otto (p. 161). For this letter was written long after he had made up his mind to the inevitable. The fourth chapter traces the change in Otto's policy, his violation of his oaths, his seizure of all the lands in central and southern Italy to which the empire had ever laid claim, and the consequent estrangement between him and Innocent. It contains a good sketch of the conditions prevailing in Italy at the beginning of the thirteenth century (pp. 110 ff.). It ends with the public excommunication and deposition of Otto. The last chapter sets forth the complete triumph of Innocent: Frederick II., a mere tool in his hands, making every concession that he could ask, was established king of Germany. The supremacy of the pope was realized. But for this victory the pope was not indebted to Frederick, whose military successes in Germany were insignificant. It was the work of the French king, Philip Augustus, who by his victory over the combined Guelf forces at Bouvines established Frederick on the throne of Germany, and ended in a great triumph for Innocent the struggle which he had carried on for sixteen years. *Gesta Dei per Francos!*

A few errors should be noted. On page 281 *guelfe* should be *ghibelin*; Brabant is in the northwestern part of the empire, not in the northeastern (p. 178); Gervase of Tilbury (page 12) was a layman, not a cleric. It seems strange that M. Luchaire should accept the speech which Guillaume le Breton puts into the mouth of Philip Augustus before the battle of Bouvines, while properly rejecting that which he attributes to Otto IV., especially since both are found in his *Philippis*, a metrical eulogy of Philip Augustus.

O. J. THATCHER.